

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Larry R. Krepski *et al.*
Serial No.: 10/595,959
Confirmation No.: 9672
Filed: May 22, 2006
For: SUBSTITUTED IMIDAZO RING SYSTEMS AND METHODS
Examiner: R. J. Desai
Art Unit: 1625

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: July 15, 2009

Signature: /Heather A. McLennand/

(Heather A. McLennand)

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

In response to the restriction requirement set forth in the Office Action mailed May 15, 2009, Applicant hereby elects Group I (claims 1-3, 5, 7-8, 11-12, 15, 17-23, 25-26, 29, 36-42, 49-52, and 54), drawn to compounds and pharmaceutical compositions wherein the compound is a tricyclic, *i.e.*, R_A and R_B form a 6-membered carbocyclic ring, R₂ is an alkyl or an alkyl substituted by an alkoxy, X is a alkylene chain, Z is C=O, and R₁₋₁ is an alkyl, a phenyl, a -N(CH₃)OCH₃, or a cycloalkyl, for prosecution in the present application. Furthermore, Applicant elects the compound of Example 24 (S-34240) on page 107 as the species for search purposes. The claims encompassing the elected species include claims 1, 2, 5, 7-8, 11, 15, 17-23, 25-26, 29, 36-42, 49-52, and 54.

The Examiner states that Group I comprises claims 21-3, 5, 7-8, 11-12, 15, 17-23, 25-26, 29, 36-42, 49-52, and 54. Applicant points out that independent claim 3 and dependent claim 10 do not fall within the scope of Group I as described. Consequently, Group I encompasses claims 1, 2, 5, 7-8, 11, 15, 17-23, 25-26, 29, 36-42, 49-52 and 54.

Having made the election, Applicant expressly reserves the right to pursue the subject matter of the non-elected claims in one or more future applications claiming priority to the present application.

Applicant is filing concurrently a Petition for a one-month extension of time and authorization to pay the required extension fee. If there is a fee occasioned by this response that is not covered, please charge any deficiency to Deposit Account No. 23/2825, under Docket No. C1271.70022US02, from which the undersigned is authorized to draw.

Dated: July 15, 2009

Respectfully submitted,

By /C. Hunter Baker/
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